

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 2 and 8 are amended. No claims have been added or cancelled. Accordingly, claims 1-12 are pending in the application.

I. 35 U.S.C. § 103(a)

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,898,632 issued to Gordy et al. (hereinafter "Gordy") in view of U. S. Patent Application Publication No. 2004/0093520 for Lee (hereinafter "Lee"). To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

In regard to claim 1, this claim has been amended to include the limitations of "a line interface including: a first gigabit Ethernet port coupled to a gigabit PHY (physical layer) device; and a second gigabit Ethernet port coupled to the gigabit PHY device, wherein the gigabit PHY device is coupled to the first network processor." These limitations are supported, for example, by page 7, lines 20-24 continuing on to page 8, lines 1-9 of the Specification. Applicant submits that Gordy does not disclose these elements of the claim. Gordy discloses a firewall 108 used for filtering and an intrusion detection system (IDS) 116. (*See Abstract*). The firewall and IDS are coupled to a tap which allow the IDS to communicate with the firewall. (*See* column 4, lines 14-16). The tap is comprised of a plurality of couplers and optionally a routing node. (*See* Figs. 2A-2C). However, Gordy fails to disclose a line interface comprised of a first and second gigabit Ethernet ports coupled to a gigabit physical layer device and the gigabit physical layer device is coupled to a network processor. The disclosed line interface permits in-line filtering and sensing of packets as they pass through the unit while the passive tap disclosed in Gordy does not allow these capabilities. Additionally, Lee fails to cure the deficiencies of Gordy.

Further, the present invention comprises a dual construction network processor. A first network processor unit manages a process forwarding packet data, including metering the traffic. A second network processor unit manages a process for retrieving a payload of packet data, including performing pattern matching on the payloads using at least one attack signature received from the personal computer.

Moreover, the first network processor unit comprises a packet converting engine. The packet converting engine generates a rule ID corresponding to a 1:1 sensing rule. The generated rule ID is added to a duplicate of the PDU. When necessary, a single rule may include a plurality of signatures. However, the second network processor does not retrieve all signatures, but instead checks signatures in the rule ID generated by the packet converting engine.

As described, the dual construction network processor provides efficacy of signature matching. Gordy fails to disclose these elements of amended claim 1. Furthermore, Examiner has not provided any argument regarding Lee's coverage of these limitations. Moreover, after reviewing Lee, Applicant has been unable to locate any sections therein which cure the deficiencies of Gordy. Thus, the combination of Gordy and Lee does not teach or suggest each element of claim 1 and therefore cannot form the basis of a rejection under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of this claim.

In regard to claim 8, this claim has been amended to include the limitation of “generating or updating a rule for preventing the detected attack, and preventing the detected attack, wherein externally received PDUs are sorted through pattern matching based on metering, filtering, and sensing rules received from a personal computer” (emphasis added). The added language is supported, for example, by page 10, lines 11-18 of the Specification. Applicant submits that the combination of Gordy and Lee does not disclose these elements of the claim. Gordy does not disclose pattern matching based on a set of rules. Moreover, in Lee the personal computer runs an Application for firewall functions relating to only to filtering and alerting. Thus, the combination of Gordy and Lee does not disclose pattern matching based on metering, filtering, and sensing rules. Gordy and Lee does not teach or suggest each element of claim 8 and therefore cannot form the basis of a rejection under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of this claim.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious, for at least the same reasons given above in support of their base claims.

It should be noted that not all of the assertions made in the Office Action, particularly those with respect to the dependent claims, have been addressed here, in the interest of conciseness. Applicants reserve the right to challenge any of the assertions made in the Office Action by the Examiner, with respect to the relied upon art references and how they would relate to Applicants' claim language.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-12 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

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William T. Babbitt
William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

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